

To: Christenson, Kara[Christenson.Kara@epa.gov]; Jones, Joel E.[Jones.Joel@epa.gov]; Sims, Mark[Sims.Mark@epa.gov]; Salazar, Matt[Salazar.Matt@epa.gov]
Cc: Sugerman, Rebecca[Sugerman.Rebecca@epa.gov]; Maldonado, Lewis[Maldonado.Lewis@epa.gov]; Reyes, Deldi[Reyes.Deldi@epa.gov]; Quast, Sylvia[Quast.Sylvia@epa.gov]
From: Johnson, Kathleen
Sent: Mon 4/6/2015 4:09:50 PM
Subject: RE: Exide Bankruptcy

Joel,

Please set up a discussion with the team on this. I would be interested in pros and cons for going through with this and a team recommendation. I agree with Kara that it would be good to check in with enforcement at DTSC and South Coast and CID, Deldi (on behalf of the community) both to see what all of those stakeholders think and what activities they may be following up on.

Kathleen H. Johnson

Director, Enforcement Division

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From: Christenson, Kara
Sent: Friday, April 03, 2015 4:03 PM
To: Johnson, Kathleen; Jones, Joel E.; Sims, Mark; Salazar, Matt
Cc: Sugerman, Rebecca; Maldonado, Lewis
Subject: RE: Exide Bankruptcy

Well, one thing that has been on my mind is that if the U.S. attorney thought it was ok to drop criminal charges involving the storage and transportation of hazardous waste in exchange for the permanent closure of Vernon, then maybe we can drop the failure to have updated SOPs. But, we should probably get some info re oversight by DTSC and SCAQMD of the closure activities

– seems like they are already thinking about this but I don't know the details. There is some work in going forward with the CAA NOVs – penalty calculation, bankruptcy referral, CAA waiver for OECA and DOJ, and complaint / CAFO.

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From: Johnson, Kathleen

Sent: Friday, April 03, 2015 3:46 PM

To: Christenson, Kara; Jones, Joel E.; Sims, Mark; Salazar, Matt

Cc: Sugerman, Rebecca; Maldonado, Lewis

Subject: RE: Exide Bankruptcy

Thanks Kara,

I don't have an opinion at this point about whether we should proceed on the existing NOVs. I would be interested in the views of the team on this.

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From: Christenson, Kara

Sent: Friday, April 03, 2015 3:43 PM

To: Johnson, Kathleen; Jones, Joel E.; Sims, Mark; Salazar, Matt

Cc: Sugerman, Rebecca; Maldonado, Lewis

Subject: Exide Bankruptcy

Yes, Exide's bankruptcy Reorganization Plan was approved last week. Alan Tenenbaum was the DOJ ENRD bankruptcy attorney, and he coordinated regularly (conf. calls at least every 2 weeks) with state and EPA attorneys. Rebecca Sugerman and I were both on the email list, and Margarita Padilla at the CA AG's office was very involved on behalf of DTSC. I don't think EPA R9 had any claims – Exide filed its bankruptcy petition in June 2013 and the deadline for governmental claims was December 2013. It looks like R3 had at least 3 clean-up sites, which I think was similar for the other agencies Alan T was working with, but R9 didn't have any claims as of June / December 2013.

I'm not a bankruptcy specialist, but it is my understanding that because R9 did not file a claim by the claims bar date of December 2013, R9 could only get penalties since June 2013, which is something we have been taking into consideration as we evaluated the CAA case. Since Exide announced that it will permanently close the Vernon facility, I gather that Enf. Div. is leaning against proceeding with the two CAA NOV's. Our 2nd CAA NOV went out just before the closure announcement, and Exide has requested an NOV conference, so we have scheduled a meeting for Tuesday 4/14. Exide may explain the precautions they will be taking while dismantling the facility since there is the potential for fugitive emissions. They have already met with SCAQMD about this issue. They may also ask us about how we intend to resolve the NOV's – if we're ready to tell them that we don't intend to proceed, we can let them know, but it

might be better to hold off on that until we have a chance to think through whatever they are presenting to us on 4/14.

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From: Johnson, Kathleen

Sent: Friday, April 03, 2015 11:00 AM

To: Jones, Joel E.; Christenson, Kara; Sims, Mark; Salazar, Matt

Subject: FW: OECA and Regional Enforcement Non-Sensitive Report - week ending April 3, 2015

I note from the region 3 report the approval of the Exide bankruptcy

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From: Sylls, Gene

Sent: Friday, April 03, 2015 8:48 AM

Subject: FW: OECA and Regional Enforcement Non-Sensitive Report - week ending April 3, 2015

Region 9

- Region 9 Settles an Action Against BMS Motorsports Inc. for CAA Title II Violations
- Region 9 Enters Into Consent Order With Tribal PWS
- Region 9 Enters Into a Prospective Purchaser Agreement With Reichhold, LLC at the San Gabriel Valley Area 2, Baldwin Park Operable Unit Superfund Site
- Region 9 Settles RCRA Violations at R. L. Anodizing and Plating Inc., Sun Valley, CA

Gene Sylls

415-947-4272

From: Bartlett, Keith

Sent: Friday, April 03, 2015 6:20 AM

To:

Subject: OECA and Regional Enforcement Non-Sensitive Report - week ending April 3, 2015

Please find attached the Enforcement Non-Sensitive version of the consolidated OECA and Regional Report for the week ending April 3, 2015 .

This report is also available on OECA's intranet page at the following link:
<http://intranet.epa.gov/oeca/weekly.html> Please share this link with your staff.

Index:

Office of Compliance

- ICIS Business Intelligence (BI) Archive Air Reports Training

Office of Federal Activities

- EIS and §309 Review Synopsis

Region 1

- Region 1 and Wire Production Company Finalize CAA 112(r) Violation
- EPA Settles CAA RMP Action against City of Norwich, CT Water Purification Plant
- Region 1 Settles CAA RMP Action against City of Groton, CT
- Region 1 Files CWA Complaint against Bacon-Agostini Construction Co., Inc. and K.R. Rezendes, Inc.

Region 2

- Court Approves Consent Decree for Arecibo Landfill
- Region 2 Finalizes RCRA Settlement with Omnicare Inc
- Region 2 Issues RCRA Complaint to Monmouth County, NJ

Region 3

- Region Resolves CAA Violations at Fort Myer Construction Corporation's District of Columbia Facility
- Administrative Settlement with the U.S. Department of the Navy Concerning the Naval Station Norfolk

- Region Settles CAA Violations at Sunoco, Inc., in Marcus Hook, PA
- Regional Administrator Issues Final Order Approving Administrative Consent Agreement to Walmart Assessing Civil Penalties for CWA Permit Violations in Washington, D.C.
- The United States Bankruptcy Court for the District of Delaware Confirms the Plan of Reorganization of Exide Technologies, Inc.
- Region III Issues Administrative Order to Perdue Farms, LLC in Salisbury, MD, Pursuant to Section 113(a)(3)(B) of the CAA
- EPA Enters CAFO with Petroleum Products LLC in Montoursville, PA for EPCRA Violations
- EPA Enters CAFO with Huntington Plating, Inc. in Huntington, WV, for EPCRA Violations
- EPA Region III Issues Administrative Order to Ateeco, Inc., in Shenandoah, PA, d/b/a Mrs. T's Pierogies, to Comply with CAA
- RCEC Participates in Advanced Training for Peer-to-Peer Support as an OCEFT Critical Incident Stress Management (CISM) Team Member

Region 4

- Region 4 Issues Stop Sale, Use, or Removal Order to EcoActive Surfaces, Inc., and Well Shield, LLC
- Region 4 Files Administrative Complaint against MTJ American LLC for FIFRA Violations
- Two Former Water Treatment Plant Employees Sentenced for Illegal Discharge of Sludge into North Carolina Trout Stream
- Fourth Circuit Court of Appeals Affirms District Court Finding that the Georgia Power Company is not a CERCLA Arranger at the Ward Transformer Superfund Site

Region 5

- Region 5 Executes CAFO with Bureau Service Company d/b/a Ag View FS
- Region 5 signs an Administrative Order on Consent with Farmers Elevator Company of Manteno, Manteno, Illinois
- Region 5 Signs Consent Agreement and Final Order with The Hillshire Brands Company, Traverse City, Michigan

Region 6

- Region 6 and Nova Mud resolve FIFRA violations
- Rentech Nitrogen Pasadena, LLC AOC Signed
- QEP Energy Corporation, Louisiana
- United States, Plaintiff, and the Louisiana Department of Environmental Quality, Plaintiff Intervenor v. City of St. Martinville, Defendant, and Lemna Corporation, Third-Party Defendant ST. Martinville, Louisiana
- Rickaway Energy Corporation, Wilson County, Texas
- John William Hannah, d/b/a CRM Energy Partners ,Osage County, Oklahoma
- EPA to Work with the State of New Mexico and Albuquerque - Bernalillo County to Parallel Process a SIP Revision
- EPA Approves Revisions to Texas's Public Participation SIP Under the CAA
- EPA approves Texas RACT SIP revisions
- Region 6 Responds to Inquiry from Texas Legislature Seeking Input on Pending Legislation
- Region 6 Proposes Reissuance of NPDES Storm Water Permit for Los Alamos National Laboratory (LANL) facility

Region 7

- Union Pacific Charged for Negligent Discharge
- Region 7 Settles with Huggins Metal Finishing, Inc., d/b/a Sullivan Precision Metal Finishing, Inc.
- Region 7 Settles TCSA RRP violations

Region 9

- Region 9 Settles an Action Against BMS Motorsports Inc. for CAA Title II Violations
- Region 9 Enters Into Consent Order With Tribal PWS
- Region 9 Enters Into a Prospective Purchaser Agreement With Reichhold, LLC at the San Gabriel Valley Area 2, Baldwin Park Operable Unit Superfund Site

- Region 9 Settles RCRA Violations at R. L. Anodizing and Plating Inc., Sun Valley, CA

Region 10

- DOJ Lodges Consent Decree with Geraldine Barling for CWA 404 Violations
- Region 10 Settles with Aurora Communications International Inc. for CWA 404 Violations
- Region 10 Settles with Pexco, LLC for EPCRA 313 Violations
- EPA Settles with Alaskan Copper Works for Violations of RCRA
- Region 10 Settles with Gravity Consulting, LLC for CWA 311 Violations

Keith Bartlett

OECA Regulatory Steering Committee (RSC) Representative

Policy and Legislative Coordination Division

Office of Enforcement and Compliance Assurance

U.S. EPA

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